(8)

IN THE HIGH COURT OF JUDICATURE:CHHATTISGARH:BILASPUR

Writ Petition No. 343 /2002

PETITIONER : Smt. Narbadi Bai,
W/o Shri Jagannath Agrawal,
aged about 52 years,
R/O Kharsiya, Tahsil: Kharsiya,
District: Raigarh(Chhattisgarh)

Versus

RESPONDENTS :
1. The Union of India,
through the Divisional Railway Manager (D.R.M.),
South Eastern Rly, Bilaspur.
(Chhattisgarh)
2. The Senior Divisional Engineer, South Eastern Railway,
Bilaspur (Chhattisgarh).
3. The Section Engineer/
Junior Engineer(Works),
South Eastern Railway,
Champa, Distt.:Champa.
(Chhattisgarh).
4. The State of Chhattisgarh,
through the Collector,
Raigarh.(Chhattisgarh).

P. R. No. 343/02
Presented by Shri S. Agrawal
dated 12.12.02

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.No. 343 / सन् 2002

.....विरुद्ध.....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

08.01.2003

Shri Awadh Tripathi, counsel for the petitioner.

Shri Vinay Harit alongwith Kum. Garima Arya, counsel for the respondents No.1 to 3.

Shri Ranbir Singh, G.A. for the State/respondent No.4.

Heard.

The challenge in this writ petition is to the notice dated 22.01.2002 (Annexure P/3) whereby the petitioner had been asked to vacate a parcel of land in her possession, failing which, she will be dispossessed.

According to the petitioner, the proposed action is bad in law, as she cannot be evicted otherwise than in accordance with law and that too after according an opportunity of hearing. It is submitted that on receiving the notice an objection/representation; copy whereof is Annexure P/4, was submitted to the authorities but as the same has not been attended to, she has been compelled to approach this Court.

From the perusal of the notice (Annexure P/3), it is clear that the petitioner has been asked to vacate the area in question and in case she fails to do so, she would be

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

dispossessed by the departmental enquiry and that appropriate proceedings shall also be initiated against her.

In reply, it is submitted by the learned counsel for the Railway Administration that the petitioner's apprehension is misconceived. It is stated by the learned counsel for the petitioner that no doubt notice as alleged has been issued but action against the petitioner shall be in accordance with law and after according her due opportunity of hearing.

In the above view of the matter, the apprehension of the petitioner that she will be forcibly dispossessed no longer survives. Accordingly, recording the submission/statement made by the learned counsel for the Railway Administration, this petition stands disposed of. It follows that any action against the petitioner shall be in accordance with law and after giving her ~~according to the petitioner~~ due and proper opportunity of hearing.

In view of the above, I.A.No.792/2002 also stands disposed of.

Sd/-
P. C. Naik
Judge

Anjani

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